

# QUID NOVI

**McGill University, Faculty of Law**  
**Volume 27, no. 18, February 13, 2007**

h a p p y  
v a l e n t i n e ' s  
d a y !



and a sweet  
study break!

I hope you cut yourself  
on your blood diamonds  
and choke on that cheap  
pot of Gold chocolate!  
You make me wanna puke!

## QUID NOVI

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# Puppy Love

by Caroline Briand (Law IV)  
Co-Rédactrice en chef

'amour au premier regard existe-t-il?

Je crois bien que oui. La fin de semaine dernière, mon copain et moi avons adopté un petit chiot, baptisée Cashew. Voici le portrait: huit semaines, trois livres, de grands yeux noisette, une fourrure douce et ondulée, chocolat et caramel, et plus de pattes qu'elle ne semble capable de gérer.

Soyons exacts: "adopter" dans notre situation est un grossier euphémisme. Cashew, aux dernières nouvelles, est toujours considérée comme un meuble, et son arrivée chez nous fut contractualisée jusque dans ses moindres détails: pré-contrat en vue de l'achat, contrat de vente (avec discussions préalables quant aux exemptions de responsabilité de l'éleveur et garanties applicables), et contrat additionnel de non-reproduction soumis à des règles d'entités administratives, et assujetti à de la législation fédérale (*Loi sur la généalogie des animaux de race*) et à la juridiction de tribunaux ontariens.

Par conséquent, en peu de temps, nous avons développé avec cette petite boule de poils une relation schizophrénique, que je blâme entièrement sur l'influence d'une éducation juridique.

En première année, un de mes professeurs avait dit à la classe que lorsque notre "gut feeling" par rapport à un problème juridique donné ne correspond pas à l'état du droit, il y a lieu de se questionner sur sa pertinence dans le contexte. Il en va ainsi de Cashew, qui, bien qu'a priori meuble saisissable, assurable, aliénable et sans personnalité juridique, est déjà devenue un membre de la famille à part entière.

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**Envoyez vos commentaires ou articles avant jeudi 5pm à l'adresse: [quid.law@mcgill.ca](mailto:quid.law@mcgill.ca)**

Toute contribution doit indiquer l'auteur et son origine et n'est publiée qu'à la discréction du comité de rédaction, qui basera sa décision sur la politique de rédaction telle que décrite à l'adresse:

<http://www.law.mcgill.ca/quid/epolicy/html>.

Contributions should preferably be submitted as a .doc attachment.

# FUNDING THE FUTURE: RESULTS OF THE CDO TOWN HALL

by the Career Development Office Advisory Board

The Career Development Office advisory board held a town hall meeting on January 31st in the Moot Court. A handful of students attended, but those who did found it an excellent exercise in looking at the priorities and the possible future path for the CDO. Members of the Advisory Board, along with CDO Director Ali Martin-Mayer and Assistant Dean External Affairs Charmaine Lyn were on hand to answer questions and facilitate audience discussion.

Much of the CDO committee's presentation and discussion focused on funding the CDO in the future. A combination of program tweaking, cost cutting, and new and increased sources of funding were proposed to help stabilize the future for the CDO and its employees. The current funding structure relies heavily on a contribution from a grant from the Ministère de l'Éducation, du Loisir et du Sport (MELS) to fund some of the core services of the CDO. This grant money is not guaranteed from year to year, and the grant allocation has been shrinking in the past few years. The grant money is allocated to specific services. Some of the services jeopardized if the grant money were to disappear are: the position of the coordinator, who maintains relationships with employers and industry

groups; student summer positions to update the CDO publications; Careerlink; resource centre materials; Public Interest Careers Day; and annual mock interviews, to name a few. These services are important to many students. To stabilize funding, and at least allow for the coordinator position to become a permanent position, the CDO advisory board is looking at having a referendum on increasing students' contribution. An additional amount of about \$20 per student per term would fund half of the coordinator's salary, which the faculty has agreed to match. A higher amount would be necessary to cover all the services already paid for by the grant. Such an increase would provide a secured source of funding in the event the grant was to disappear or decrease. It would therefore be possible to maintain the actual level of services, or at least make the reduction of services less dramatic. If the grant was to stay at the same level, the additional funding would be used to improve and diversify services.

To cut costs, the CDO advisory board suggested that the paper-based CDO career guides be made electronically, and paper versions would only be available upon request, possibly for a fee to offset printing costs. This would allow the CDO to save

a portion of the money spent on publications. Students at the town hall agreed that they are used to getting many resources online in electronic format. However, much of the cost of the publications goes into the research and time spent updating materials on a biannual basis; these costs would not decrease in an online format.

Plusieurs suggestions ont été faites pour diversifier les services offerts par le CDO, dont la création d'une « banque de diplômés de la faculté », à laquelle les diplômés de la faculté pourraient volontairement s'inscrire (noms, profession, lieu de travail, etc.) Ce réseau de contacts aiderait les étudiants et récents diplômés dans leur recherche d'emploi. Il a aussi été suggéré de créer une telle banque avec les noms des étudiants ayant participé à divers types de recrutement – ceux-ci pourraient répondre aux questions des étudiants participant actuellement au recrutement, ce qui permettrait de désengorger en partie le CDO. (À noter que cette initiative est actuellement mise en place par les présidents de classe de deuxième et troisième année.) Une autre suggestion est celle d'offrir des ateliers de recherche de stages et de financement

pour les carrières d'intérêt public.

The CDO advisory board is interested in your feedback on these and other issues you think are facing the CDO. Please email advisory board members Stephanie Bachand ([stephanie.bachand@mail.mcgill.ca](mailto:stephanie.bachand@mail.mcgill.ca)) or Jarom Britton ([jarom.britton@mail.mcgill.ca](mailto:jarom.britton@mail.mcgill.ca)) with comments. Or, reply to our topic on the LSA forums at <http://lsa.mcgill.ca>.

■

• • • • •  
**Q. Why don't lawyers fall in love on Valentine's Day?**

• • • • •  
**A. "Oh, come on. Even Cupid can't hit a target that small!"**

# “MORMON” AN APPROPRIATE TERM FOR POLYGAMOUS GROUPS

by Joel Scheueman (Law I)

I read with interest Jarom Bitton's article “FYI: Mormons are not Polygamous” in the February 6 *Quid*. Having been raised in the LDS church by my parents, and having since rejected all organised religion, I am of the opinion that Mr. Bitton's article has confused the issue on a number of levels.

While it is true that the modern Church of Jesus Christ of Latter-Day Saints does not currently allow its members to practise polygamy, polygamy remains a key doctrine of the church. Indeed, modern members of the LDS church believe that polygamy will be practised by faithful members in the afterlife.

The founder of the LDS church, Joseph Smith and his successors, including Brigham Young, taught that no person will reach the highest level of heaven unless they enter into polygamous marriages. Joseph Smith so believed in the idea of polygamy that he entered into polygamous marriages with teenaged girls without the knowledge of his first wife - realising that she would have disagreed with his having multiple wives. He also engaged in polyandrous relationships by marrying already married women after sending their husbands overseas on missions for his church. Polygamy was indeed one of Joseph Smith's core doctrines and was one of the

main factors contributing to his incarceration and eventual murder.

Mr. Bitton's assertion relies on a debateable definition of the term “Mormon.” He claims that the term only applies to members of the LDS church. However, the modern polygamous groups believe that the Book of Mormon (from which the term “Mormon” is derived) is God's word in the same manner that LDS members do. Furthermore, they believe that Joseph Smith was a prophet in the same way that LDS member do. They also accept Smith's teachings *vis-à-vis* polygamy as having originated with God in the same way that modern LDS members do. To claim that the LDS church “has nothing whatsoever to do with those practising polygamy” is, in my opinion, disingenuous.

Finally, the members of these polygamous groups invariably self-identify as Mormon. I am not sure why Mr. Bitton feels that he has any say over the labels that a set of people apply to themselves, but I imagine that he would dislike it if someone were to claim that he is not a Christian because he also believes in Joseph Smith and the Book of Mormon. It is indeed accurate to refer to these modern polygamous groups as “Mormons”, and the fact pattern of the Law II factum assignment needs no correction. ■

## There are no Clean-Up Elves at the Faculty

by Leslie Robertson (Law ?)

Who do you think picks up the empty yogurt containers, bottles, napkins, pieces of food or multiple copies of the *Quid* you leave lying around the basement? Are you expecting your mother to swing by and do it, or do you think that the maintenance staff employed by the university should?

I arrived at school early for my 8am class today [Editor's note: Wednesday, February 7] and was presently surprised by the tidy Faculty I had all to myself. Now, on my way to my 2:30 class I'm revolted by the state of the basement alone.

There's discarded food and garbage everywhere. I know we're all busy and stressed out law student but can't we at least pick up after ourselves? ■

Comments?  
Rants?

Write to the  
Quid!

Submission deadline:  
5pm Thursday

[quid.law@mcgill.ca](mailto:quid.law@mcgill.ca)

Please send your submissions as a .doc attachment!

# THE SUNSHINE ARTICLE

by Alison Glaser (Law II)

## ALISON GLASER v. THE UNIVERSITY

**F**acts: Alison (the Appellant) has a large assignment to do as part of her second year Legal Methodology Course. It is called "The Factum" and involves research, writing, working with a partner, and pleading. However, the appellant claims that she is tired, just wants to go on vacation, wants to watch American Idol ("the TV Show") which she has just discovered is hilarious, and finally wants to spend some time with her husband who is already annoyed that she spent so much time working on the play. She is claiming that The Factum is interfering with her right to dignity under Art 4 of the *Quebec Charter of Human Rights and Freedoms*, to her right to life, liberty and security of person under sec 7 of the *Canadian Charter of Rights and Freedoms*, as well as

her right to equality under sec 15 of the *Canadian Charter*.

### Issues:

1 - Does the imposition of this assignment violate the Appellant's right to dignity under art 4 of the Quebec Charter?

Yes – obviously, spending time with one's husband, watching silly TV shows, and going on early vacation are part of what makes us fundamentally human. As violation of dignity is an objective standard (*Quebec (Public Curator) v. Syndicat national des employés de l'hôpital St-Ferdinand*), it is clear that the Appellant's dignity is being compromised by the lack of autonomy that has been imposed on her.

2 – Does the imposition of the assignment violate the Appellant's right to life, liberty and security of person under the Canadian Charter?

Yes – her liberty has been clearly circumscribed, particularly as she has no choice in this matter. The argument that she chose to come to law school is fallacious, as when she chose to come she did not make that choice in a free and enlightened manner as she did not properly understand how tiring it was going to be. Further, her security of person has been violated. Security of person can refer to one's psychological well-being (*R v. Morgentaler*) and the Appellant's psychological well-being is being compromised. She is particularly affected as she has begun to dream about The

Factum and this is highly psychologically disturbing to her.

3- Does the imposition of the assignment violate the Appellant's right to equality under the Canadian Charter?

Yes - She is being discriminated based on her age. If she was in another level of law school she would not be suffering this prejudice.

### Orders sought:

An injunction on The Factum and an automatic A in the course.

*Please note: the above is not true (except for the part about dreaming about the Factum which is scary). I love the Factum. Really and truly. Me. Lamed, please do not fail me. ■*

## HAPPY BIRTHDAY KYOTO! BLOWING OUT THE CANDLES WITH WIND POWER

by Claire A. Stockwell (Law I)

**T**his Friday our beloved Kyoto Protocol is turning two. To celebrate ELM will be giving away (free) birthday cake every day this week in the Atrium, so come join the party! But a birthday party isn't complete without presents. Given the growing pains and total lack of leadership Kyoto

has experienced in Canada this past year, we felt it was time to step up to the plate. So ELM has purchased enough wind power to run the LSA's computers on electricity from wind turbines for the next year.

As no wind turbines have miraculously arisen in front

of the Gelber entrance, you may ask where the power comes from....

Because of an unequal playing field and lack of full-cost accounting of all externalities, wind power is currently more expensive to produce (in some areas) than conventional (polluting) sources.

Wind power producers only receive the cost of conventional energy when they sell their power to the energy grid meaning they are producing power at a loss. Wind power certificates represent the differential between the cost of production and the rate of conventional power; essentially it is a way

of supporting wind power production in Canada. Wind power certificates are not currently available in Quebec, so we have bought our power from wind farmers in Alberta.

Kyoto, however, doesn't want just one present – it wants many! So as you enjoy your piece of birthday cake and pondering the future of our climate, you can also do your part by buying wind power for your laptop computer. It

costs \$17 to run your laptop on wind power for three years and you will receive a pretty sticker attesting to that fact.

For those willing to venture outside of the Faculty, even more fun awaits you...

On Friday, February 16<sup>th</sup>, sports fans can enjoy a 'Save Hockey, Fight Climate Change' hockey game on field on the lower campus.

Games are also taking place in Toronto, Ottawa, Detroit and Chicago.

On Saturday, February 17<sup>th</sup>, join students from universities and CEGEPs all over Montreal for a city-wide march! The march will end with participants standing in formation on the steps of City Hall so as to spell "KYOTO" while we sing

happy birthday songs. Don't forget your party hats and noise makers! The March starts at 11am at Berri Square (Berri-UQAM metro) <http://bonnefetekyoto.wordpress.com/>.

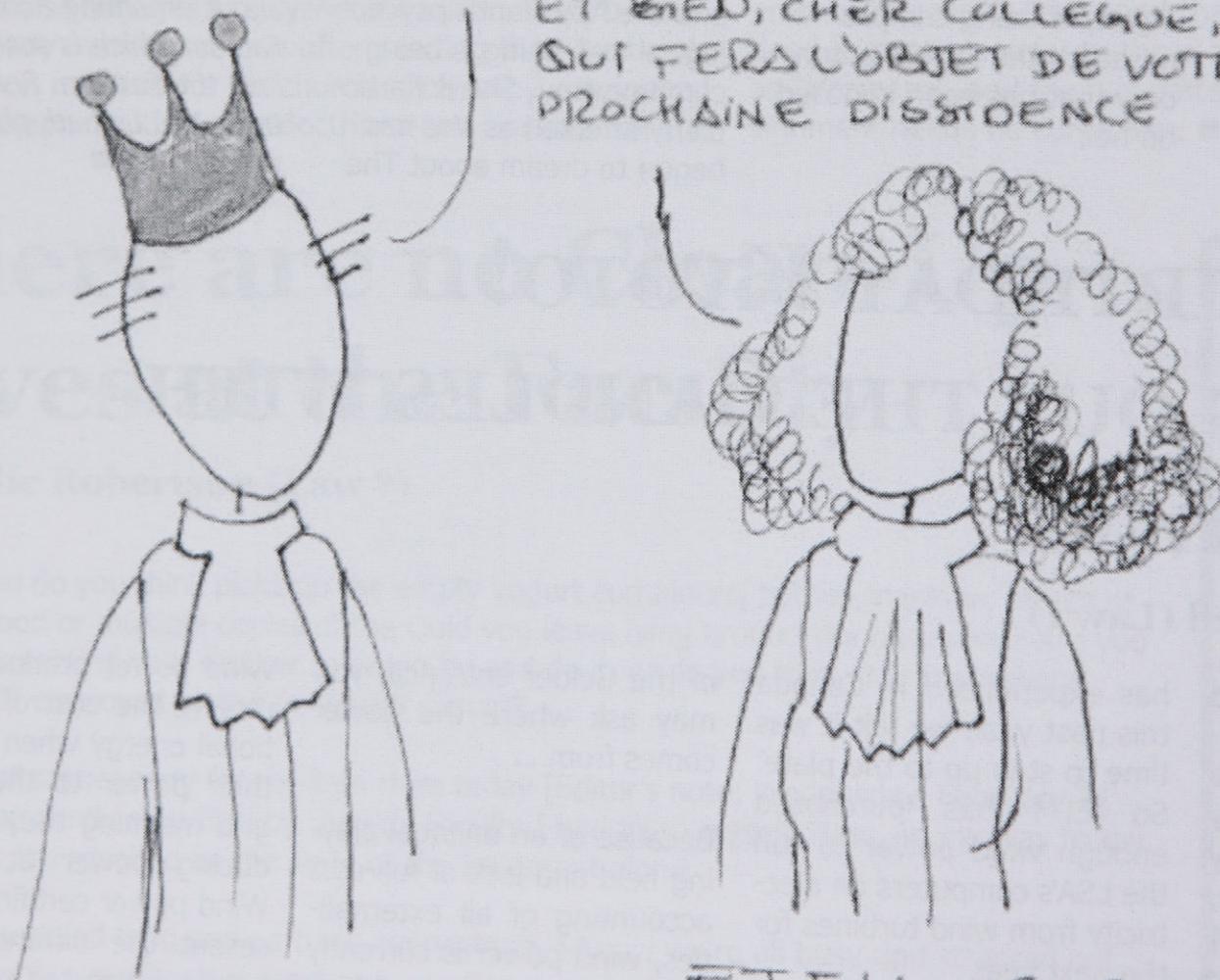
Save hockey, save the climate, celebrate Kyoto's birthday, and support wind power. Because we all know it's about having our cake and eating it too.... ■

## **Les aventures du Capitaine Corporate America: Et toc!**

par Laurence Bich-Carrière (Law III)

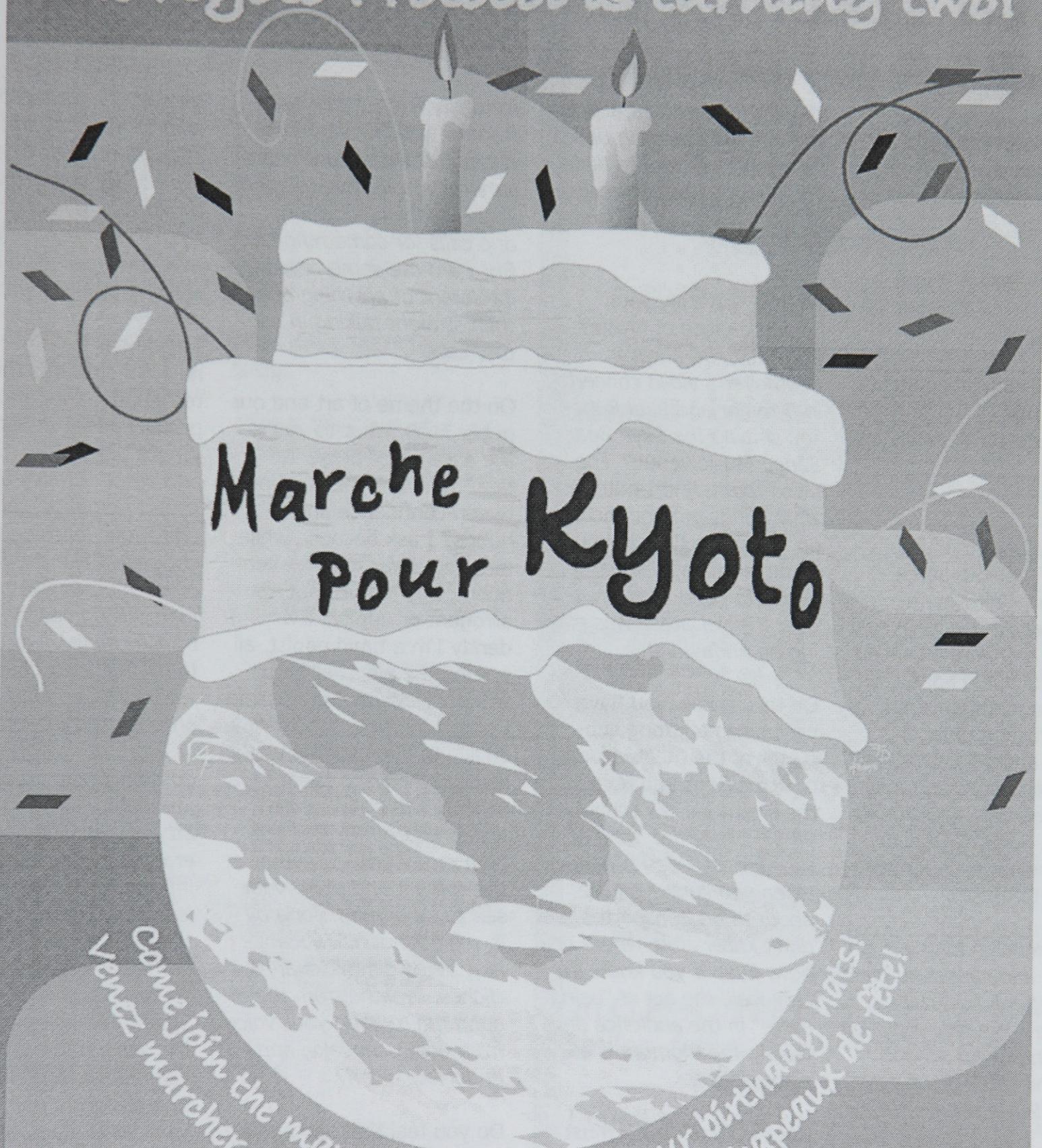
SACHEZ QUE JE NE PARTAGE  
AUCUNEMENT LES CONCLUSIONS  
DE VOTRE DERNIER ARTICLE

ET BIEN, CHÉR COLLEAGUE, VOILÀ  
QUI FERA L'OBJET DE VOTRE  
PROCHAINE DISSOENCE



ET ELLA CASSE...

Le protocole de Kyoto a deux ans !  
The Kyoto Protocol is turning two!



Marche  
pour Kyoto

Come join the march. Don't forget your birthday hats!  
Venez marcher avec nous. N'oubliez pas vos chapeaux de fête!

SAMEDI 17 février 2007 à 11h  
Départ au Parc Émilie-Gamelin  
 métro Berri-UQAM

Informations: [bonnefetekeyoto@gmail.com](mailto:bonnefetekeyoto@gmail.com)  
<http://bonnefetekeyoto.wordpress.com/>

SATURDAY February 17th 2007 at 11 AM  
Departure from Parc Émilie-Gamelin  
(Berri Square)

Berri-UQAM metro



# RECKLESS INTERVIEWS -

## WITH HÉLÉNA LAMED

by Ryan Anderson (Law III)

**H**élène Lamed. She bravely leads scores of law students through gauntlet of Legal Methodology, has taught Insurance Law and Law and Literatures, and is a Leo. Yes, who is this mysterious person? Wellllll....

Direct questions, comments, curiosities to instantanderson@gmail.com

So Professor Lamed, many rumours circulate about you. In my hall-way research polls it has been said that you are/were a concert violinist, a killer litigator, an actress, a member of a sadistic faction of legal scholars and educators, an insurance lawyer, and avid Shakespearean, and the list goes on. So we'll start at the top- what is your relationship to music?

*My relationship to music is tenuous and causes suffering to others, particularly my large collie-lab. I played the violin in high school, under the tutelage of a patient cellist, a refugee from Danzig. I have no ear, and no talent, but I realized that playing an instrument is like no other discipline; it requires a special unity of mental and physical effort. I promised myself that one day I would take lessons again, and so when I started at the Law Faculty, I kept that promise, and found a (patient) music student who was willing to put*

*up with my erratic practicing and difficulty keeping time. I am most grateful to him. The lessons ended because he gave up music and went into...law!!*

What is currently your favourite piece of music? *Currently and always: Beethoven's violin concerto in D major and Paul Robeson singing the Skye Boat Song. Music venue? The living room. And I gotta ask what songs got you moving on the dance floor in your younger years? Gloria by Umberto Tozzi, and whatever the Salsateca was playing on Friday nights.*

On this theme, you have always been a strong supporter of the theatre, both of Actus Reus and outside the illustrious law school. Why? *I love the thrill at the start of a performance, when you know you are about to be transported, but don't know quite where or how. Even if you know the play well, the act of "being there" in the audience and feeling the moment is always unique.*

Not to offend, but I must get a touch personal here. There are conflicting comments that you are both highly formal while others say their office time with you has been warm, personal, and casual (I can attest to that). Why? *I am both. I feel very strongly about the appropriateness of discourse to the place and to the audience. Some*

*formality is necessary in front of 170 law students. It creates a structure necessary for a collective relationship. Obviously one-on-one calls for something else. But I am the same person, intolerant of anything other than straight talking in either case.*

On the theme of art and our public lives, what to you is the essence of presentation? Where is the line between confidence and hubris? I ask because while mooting I was told "be confident, aggressive- but not arrogant or uppity." Evidently I'm a timid egoist, all around the worst of both worlds. Help me here, cause I only want to do good. Any advice to this aspiring world leader on how to speak publicly? *To be extremely well prepared, to find the high moral ground about the subject and allow yourself to be carried along by it, maintain a rich vocabulary, avoid gimmicks and clichés, breathe from the diaphragm to keep your voice from going squeaky, and enunciate clearly.*

Do you feel that law and art are related? How so? *Most definitely and intricately related. Each is an effort to impose order on and make sense of the mess of human endeavour, a phrase I may have overused in class, but it sums us up, as does: "Man is but a paltry thing, a tattered coat upon a stick". That's from Yeats, "Sailing to Byzantium". So we either*

*theorize about the ownership of the coat and the stick, a worthwhile enterprise to be sure, or we join the lords and ladies of Byzantium because art lasts where we perish, but the starting point is the same.*

I also hear from our international students that you relish language, and are especially adept at Spanish. Where did you learn this and why? *I relish the good use of language generally, and I love learning languages. I like the formality of learning a grammar, memorizing vocabulary, and transforming all of that into the living, ever changing whole that enables you to order breakfast somewhere, or listen to neighbourhood gossip. I learned Spanish just before starting graduate work in Comparative Literature, because my area of interest was the Latin American Novel, and I wanted to read this incredibly rich literature in the original. So I spent a few months in Spain, just when that country was emerging from 40 years of dictatorship and oppression. Spain and I were kind of in the same boat, mutatis mutandis, you might say, and so learning the language was for me a symbol and an act of freedom. I didn't stay with comparative literature, but I still love speaking and listening to Spanish. I also did some Russian, some German, and speak rather rough, pragmatic Polish.*

Alright, time to back up. He who controls the past, controls the future, so rule tomorrow by telling me about yesterday. Where do you come from? *I come from right here; I was born in Montreal, of parents who came from Europe in the early 50s. I went to Mount Royal High, Marianopolis, and did an undergraduate degree in English Lit and Economics at McGill. I always wanted to teach, but the job prospects in universities were dim in the late 70's and early 80's, and I got a bit impatient with the extremely theoretical approach to literary studies that was the dernier cri in graduate schools then. So I decided to go to law school, still at McGill. I have never wanted to leave Montreal. I even live in the house I grew up in...*

Evidently you've had some time as a practitioner, perhaps the reason for your (appreciated) pragmatic bent a la Legal Meth. What can you say about your time as a litigator? Memorable moments? *I liked litigating a lot and I miss it, though dealing with students keeps me alive to advocacy. I liked preparing a case, I especially liked closing argument, where you must try to use the facts to your advantage without being accused of distorting things. My favourite exchange was with a judge through a witness, in a family matter. The parties hated each other, and the husband wanted to show that the wife was crazy, in order to get custody of the kids, so he kept on saying how she did weird things, made soup for the children at 4 pm and accused him of having affairs.*

*I wanted to make her look sort of normal, because she was strange. So I asked him in cross, "your wife must love you very much and find you very attractive if she is worried about this, right?"*

Is reputation important? *Very. Especially a good one. You don't want to lose it.*

What do you fear? *Illness. Random, wanton acts of violence*

What drives you? *Fear of failing.*

What is the greatest battle/struggle we currently face in the world? *Intolerance.*

What frustrates you? *When people don't take the time to reflect before they speak.*

What makes you happy? *My daughters, a really good novel (hard to find!), great conversation, and when my garden has blooms all season long with something other than impatiens (trickier than you think!).*

What is your favourite word (not for all time, but you know...generally, these days)? *Whatever. ■*

## SONNET #43, FROM THE CIVILIAN<sup>1</sup>

by Stephanie Jones (Law II)

How do I love thee? Let me count the ways.

I love thee to the length and width and height

My fing'rs can reach, when feeling out of sight

For thine articles, *Raison* and *Justice*.

I love thee to the level of everyday's Assigned readings, by sun and electric light.

I love thee freely, as we strive to cite;

I love thee purely, as we turn from A's.

I love thee with a passion put to use At MLIC,<sup>2</sup> and with my 1L faith.

I love thee with a love I seemed to lose

In CLP<sup>3</sup> – I love thee with the breath, Smiles, tears, of law school – and, if le Barreau choose,

I shall but love thee better in practice.

<sup>1</sup> With apologies to EBB.

<sup>2</sup> McGill Legal Information Clinic.

<sup>3</sup> Civil Law Property (with apologies).

# La recette du succès III

par Caroline Briand(Law IV)

**A**défaut de pouvoir les préparer avec amour (et facilité) pour l'âme sœur, en cette édition 2007 de la Saint-Valentin, les desserts suivants sauront vous faire passer pour une vraie Martha Stewart (la salopette orange en moins) auprès de vos ami(e)s, ou du moins agrémenter vos soirées d'études en tête-à-tête avec votre chat, chien ou autre animal de compagnie non-humain.

## Cupcakes infaillibles (pour 12 petits gâteaux)

### Ingrédients :

1/2 tasse de beurre non salé, ramolli  
1 tasse de sucre  
3 c. à thé de vanille  
2 œufs à température pièce  
2 tasses de farine blanche  
2 c. à thé de poudre à pâte  
1/2 c. à thé de sel  
2 portions de yogourt sans gras individuelles (environ 100g chacune) à la vanille, et/ou aux framboises, et/ou aux fraises  
1/2 tasse de lait

Colorant alimentaire rouge  
1 tasse de sucre à glacer  
1 tasse de tartinade chocolat-noisettes (genre Nutella)

### Préparation :

Préchauffer le four à 350 ° F.  
Mettre des moules en papier dans un moule à muffins. Battre le beurre, le sucre et la vanille jusqu'à ce que le mélange blanchisse. Ajouter les œufs un à la fois, en mélangeant bien. Mélanger les ingrédients secs. Mélanger le lait et le yogourt. Ajouter ces deux mélanges à la préparation aux œufs en alternant les ingrédients secs et les ingrédients humides, et en mélangeant jusqu'à uniformité après chaque ajout. Ajouter quelques gouttes de colorant rouge à la préparation, jusqu'à l'obtention d'une belle couleur rose. Verser le mélange dans les moules à muffins. Plus le

moule est rempli, plus les gâteaux auront une belle forme de champignon. Cuire au centre du four 25 minutes, ou jusqu'à ce qu'une brochette insérée au centre d'un gâteau en ressorte propre. Laisser refroidir, puis démouler. Pendant que les cupcakes cuisent, préparer le glaçage en fouettant ensemble la tartinade aux noisettes et le sucre à glacer jusqu'à l'obtention d'un mélange qui se tient bien. Ajuster en rajouter soit du sucre à glacer, soit de la tartinade. Quand les gâteaux sont bien refroidis, les glacer à l'aide d'une spatule ou – pour un effet plus spectaculaire – avec une poche à douille.

## Feuilletés au sucre à la crème

### Ingrédients :

1 rouleau de pâte à croissants du commerce  
1 tasse de cassonade bien tassée

1 tasse de crème 35%  
Crème glacée

### Préparation :

Préchauffer le four à 350 ° F. Trancher le rouleau de pâte à croissants en huit tronçons d'égale épaisseur. Disposer les tronçons, la face spiralée vers le haut, dans un plat allant au four ayant un bord d'au moins 1 1/2 pouce. Dans un bol à part, fouetter à la main la crème et la cassonade jusqu'à ce que le mélange soit relativement homogène, et toujours liquide.

Verser le mélange de cassonade dans le plat contenant les tronçons de croissants. Mettre au four pendant 30 minutes. Les rondelles de croissants auront levé en belles spirales feuilletées nageant dans un onctueux sucre à la crème.

Diviser et servir chaud, avec une boule de crème glacée.

■

## ♥♥♥ LAW JOKE CORNER ♥♥♥

A guy walks into a post office one day to see a very well-dressed, middle-aged, balding man standing at the counter methodically placing "Love" stamps on a huge stack of bright pink envelopes. Each envelope had hearts all over it.

The man then took out a perfume bottle and sprayed scent all over the envelopes.

His curiosity getting the better of him, the guy goes up to the balding man and asks him what he is doing. The man says "I'm sending out 1,000 Valentines cards signed, 'Guess who?'"

"But why would you want to do that?"

"I'm a divorce lawyer," the man replied.

# Rebels Without a Cause - A Response to Jarom Britton

by Stephanie Dickson (Law III)

I am writing in response to last week's article entitled "FYI: Mormons are Not Polygamous." Well according to various sources, some of them are!

I felt compelled to write not so much to debate Mormonism and polygamy (though I plan to do that a little bit) but mostly because I am a little astounded by the outbursts. For the record, I write as a concerned member of the Faculty and not as a staunch defender of the Legal Methodology Programme. Also for the record, I respect the religious freedoms of Mr. Britton and everyone else for that matter – I love section 2(a)!

The first thing that struck me about Mr. Britton's article was the fact that it was written at all. Indeed, the inspiration came from a second-year factum problem, not an Op-Ed in the Quid or a research paper. The fact-pattern was meant to be fictitious and could conceivably have involved Santa Claus or the Tooth Fairy. But for the sake of argument, let's pretend for a moment that the factum was meant to be an accurate depiction of reality.

The fact-pattern never mentioned the Church of Jesus Christ of Latter-day Saints (the LDS Church). If it had,

perhaps Mr. Britton's article would be more understandable. As the article mentioned, the question dealt with a splinter group or branch of Mormonism. Now I confess to not being an expert on these religious groups, so I did a little research on Wikipedia (which I have found to be a pretty reliable source to date!)

From what I can gather, the founder of the Latter Day Saint movement was Joseph Smith Jr., who gained a following and practiced according to the book of Mormon. These early Mormons practiced polygamy and began to suffer persecution in the United States. Eventually, after enduring legislative penalties and property seizures, the LDS Church decided to outlaw the practice of polygamy in 1890. Those who didn't like it broke away from the Church and continued their polygamous lifestyles. Today the LDS Church does not like to be associated with polygamous groups or "fundamentalist Mormons."

From our good friend Wikipedia.org:

Although most Mormons accepted the ban on plural marriage, various splinter groups left the mainline LDS Church to continue the practice of polygamy. Polygamy among these

groups persists today in Utah, neighboring states, and the spin-off colonies, as well as among isolated individuals with no organized church affiliation. Polygamist churches of Mormon origin are often referred to as Mormon fundamentalist. Claims for exclusivity of usage are primarily to avoid confusion between the LDS Church and "Mormon Fundamentalist" groups.

It seems to me that while the LDS Church is free to believe what it wishes and outlaw whatever practice it desires, it cannot re-write history. If indeed polygamous groups were initially followers of Mormonism and self-identify as such, they can reasonably be termed Mormons. This should not necessarily change because the LDS Church proclaims it now owns the "Mormon" title or vehemently opposes polygamy.

If the impugned fact-pattern concerned national security and involved a Muslim suspected of terrorist affiliations, would all Muslim students be outraged? If it involved a Catholic priest accused of molesting his altar boy, would all the Catholics be up in arms? Well, in light of recent outbursts at the Faculty, I suppose it wouldn't surprise me. ■

"Only within the moment of time represented by the present century has one species - man - acquired significant power to alter the nature of his world."

- Rachel Carson

# What year is it? Musings of a Billy Pilgrim

by Leonid Sirota (Law II)

*"As an Earthling I had to believe whatever clocks said – and calendars."*

- Kurt Vonnegut, *Slaughterhouse Five*

*Note: This is an attempt at an article somewhat in the telegraphic schizophrenic manner of the planet Tralfamadore where Kurt Vonnegut says the flying saucers come from. The fact that it is published on the 53rd anniversary of the fire-bombing of Dresden is due to a technical problem (it was written a week earlier) and is, therefore, a coincidence, insofar as such things exist. Peace.*

From the desktop of our computer, Vladislav Tretiak, summoned there out of the 1970's by my brother, is staring at me. His gaze is piercing. He is alert, focussed and seems very much alive. He is playing for his country. He has always played for it, and al-

ways will. The moment is structured that way. The country's name is written in golden letters on a red uniform. The country has disappeared sixteen years ago. So it goes.

We have become a species of Billy Pilgrims. We are all unstuck in time. We wander through time, never certain when we are and when we are going to end up next, without even giving it much thought.

I am listening to Georges Cziffra playing Rachmaninoff's 2nd piano concerto. It is sad and full of light. Every note is a tear; sunrays pass through them and break up in rainbows. Rachmaninoff composed the concerto in 1900. Cziffra recorded it in 1970. I listen and want to cry.

Some things change of course. When you encounter them, you are sure

to notice a distance, and there is no danger of feeling unstuck in time. Kurt Vonnegut wrote, in *Slaughterhouse Five*, "that there would always be wars, that they were as easy to stop as glaciers." Now that we are on our way to successfully driving glaciers out of existence, one would have to be crazy to write this, so you know Vonnegut wrote it in 1969.

I am watching an old interview from the CBC's internet archives. Barbara Frum is questioning Pierre Elliot Trudeau on the Meech Lake Accord. Barbara Frum is dead. So it goes. Pierre Elliot Trudeau is dead. So it goes. The Meech Lake Accord is dead. So it goes. The idea that all Canadians are equal, but some are more equal than others is not dead. Ainsi, ça ne va pas.

Some things don't change,

and with them, you cannot help but feel unstuck in time. "The speaker at the Lions Club meeting was a meeting in the Marines. He said that Americans had no choice but to keep fighting ... until they achieved victory or until the [...]ists realized that they could not force their way of life on weak countries." How was Vonnegut so sure the man was talking about Vietnam and Communists, rather than Iraq and Islamists? Oh, right, he wrote that in 1969.

If you expect me to say something intelligent at this point, I'm sorry to disappoint you. I don't really have anything intelligent to say, which is why I feel like it's a good time to get to work on my factum. From the desktop of our computer, Vladislav Tretiak is still staring at me. ■

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